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SENSITIVE
SIPDIS

DEPT FOR OES, HOLLY KOEHLER
EAP/ANP
SUVA FOR JOE MURPHY

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SUBJECT: SURVEY OF MARITIME SURVEILLANCE AND FISHERIES ENFORCEMENT
IN THE FEDERATED STATES OF MICRONESIA (FSM)

¶1. (U) Summary. The upcoming sub-committee meetings of the Western and Central Pacific Fisheries Commission (WCPFC), scheduled for September and October, will address unresolved issues of maritime surveillance and enforcement of the Convention area. However, the FSM suffers from ineffective maritime enforcement due to unresolved WCPFC issues, namely lack of funding for patrol missions and inaccessible surveillance data. FSM Maritime Enforcement officers and government officials generally agree that surveillance and enforcement measures require changes, but it remains to be seen if WCPFC will take appropriate action. End Summary.

UPCOMING WCPFC MEETINGS

¶2. (U) Pohnpei state, in the Federated States of Micronesia (FSM), will host two sub-committee meetings of the WCPFC in the fall of 2009. The 2nd annual Ad Hoc Task Group (AHTG) Meeting on Data will be held on September 28 and 29. Representatives from Japan, Korea, the United States, and several Pacific island nations are expected to attend. The 5th Regular Session of the Technical and Compliance Committee Meeting (TCC5) will be held directly afterward, on October 1-6. Attendees should include Australia, Canada, China, the European Community, Japan, Korea, and the United States.

¶3. (U) The AHTG meeting should produce a final draft of its "Rules and Procedures for the Protection, Access to, and Dissemination of Non-Public Domain Data and Information Compiled by WCPFC for the Purpose of Monitoring, Control or Surveillance (MCS) Activities in High Seas Areas and Scientific Purposes (R&P)" document for discussion at TCC5. TCC5 will address the outstanding issues of surveillance and compliance, namely the regional observer program, vessel monitoring systems (VMS), and data management and access.

CURRENT SURVEILLANCE MEASURES

¶4. (U) During a June 2009 meeting, WCPFC Compliance Manager Andrew Richards confirmed that the WCPFC began managing VMS data of the region's high seas in 2009. The number of authorized vessels reporting to WCPFC VMS grew from 280 vessels on April 1 2009 to over 1,400 in June 2009. The Pacific VMS in Sydney sends data to the Pacific Islands Forum Fisheries Agency (FFA)

VMS and WCPFC VMS, depending on the vessel's location. WCPFC VMS operators receive a report every four hours from each vessel located in the high seas - Richards estimates that each report costs the WCPFC about four U.S. cents. WCPFC then relays the data to Commission members; each member has the sole right to view the VMS data for its own flag-vessels throughout the high seas pockets of the Convention area. However, Commission member states do not have access to the VMS data of other nations' flag-vessels. Richards noted that secure databases in the Pacific VMS headquarters currently house the data from WCPFC VMS.

15. (SBU) WCPFC is expanding its Regional Observer Program (ROP) on a phased basis. By August and September of 2009, the goal is to have 100% observer-coverage of "purse seine" vessels in the Convention area. Richards stated that a major area of focus for the observers is preventing the use of Fish Aggregating Devices (FAD) and other illegal fishing. In 2010, 100% planned observer-coverage of purse seine vessels will increase to 3 months of the year and in 2011 observer-coverage is scheduled to extend to long-liner vessels. According to Bernard Thoulag, Executive Director of FSM's National Oceanic Resource Management Authority (NORMA), the FSM National Observer Program currently supplies the WCPFC ROP with 40 observers.

16. (U) Apart from VMS and ROP, national patrolling and local maritime police provide supplementary enforcement for the convention area, which covers each nation's Exclusive Economic Zones (EEZs). In the FSM, the National Police Maritime Wing partners with the Royal Australian Navy and the U.S. Coast Guard (USCG) to carry out surveillance and enforcement. The Permanent Shiprider Agreement, enacted between the FSM and the USCG,

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allows USCG ships to conduct enforcement operations within the FSM EEZ with Micronesian observers riding along. The agreement was used in Operation Rai Balang in May 2009 to great success (Note: see paragraph 15). FSM enforcement measures also include dock-side boardings and observance of VMS data.

SURVEILLANCE LIMITATIONS

17. (SBU) According to Thoulag and Justino Helgen, Fisheries and Drug Enforcement Officer of the FSM National Police Maritime Wing, effective maritime surveillance relies on the efficiency of a three-part system: VMS, ROP, and patrolling. However, these three features do not work very well in the FSM. Thoulag noted that the FSM's patrolling efforts are inadequate as the country lacks funding for fuel and has just three patrol boats, only one of which is currently operational. Helgen agreed, stating that there are times when Maritime Enforcement will see an unlicensed vessel in the FSM EEZ but cannot send a patrol boat out for lack of fuel. Further, while Thoulag acknowledged the necessity of VMS, he noted that only registered vessels can be tracked. He is concerned about the unregistered vessels that are unmonitored and illegally fish in insufficiently patrolled waters. Given that the FSM EEZ spans 1.3 million square miles, Thoulag explained that it is virtually impossible for his maritime enforcement unit to effectively patrol the zone with the FSM's one boat.

18. (SBU) According to Richards, there are significant unresolved issues concerning costs and staffing for WCPFC's new surveillance measures. The four cent cost of each data report "adds up" according to Richards, who stressed that cost is the Commission's "biggest worry." Moreover, the cost of data reports and the need for staffing are likely to increase as more vessels register with WCPFC. Richards also pointed out some cost recovery issues. For example, a VMS malfunction often causes an Automatic Location Communicator (ALC) to send 40 reports per hour and WCPFC is forced to pay for those reports.

19. (SBU) Second Secretary and Development Assistance Officer of the Embassy of Japan in the FSM, Mariko Harada, also discussed the cost issue. She opined that since WCPFC has only been in

operation for 5 years, "there should not be much increase in the expenses and member contributions." She said this was particularly important because some of the developing countries cannot pay the rising costs. Harada described the new surveillance measures as costly and "difficult to follow," saying that measures "should be implemented in a more cost effective way."

¶10. (SBU) Thoulag also stated that there are not enough observers to cover the 771 purse seine vessels authorized to fish in the Convention area. While the FSM had expressed the need to increase its number of observers to at least 50 in March 2009, there are still only about 40 certified observers. The FSM had only 12.3% observer-coverage of purse seine vessels in 2007, but is scheduled to increase coverage to 100% by 2010.

¶11. (SBU) Richards said one of the main reasons for WCPFC's management of the VMS is for national access to flag-vessels in international waters. However, Thoulag emphasized his interest in being able to monitor FSM flag-vessels in the Convention area, but stated that NORMA is still unable to access that data. Harada said Japan is also unable to access the WCPFC VMS.

¶12. (SBU) Helgen estimates that fuel for 12 days of surveillance operations by one patrol boat costs USD 30,000. Furthermore, one of the FSM's patrol boats is currently in need of an additional USD 80,000 deposit to its Life Extension Plan, to which Australia has already contributed more than USD 3 million. A second patrol boat is in need of USD \$250,000 in repairs. These funds are not readily available to the FSM government. Thoulag said WCPFC incentives for national governments to allocate appropriate funds to maritime enforcement and maintenance could improve these programs.

AREAS OF PARTIAL SUCCESS

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¶13. (SBU) Collaboration between small Pacific island nations has proven effective. Palau, FSM, and the Marshall Islands enacted a permanent Niue Treaty Subsidiary Agreement (NTSA) in November 2008. The agreement provides that Pacific Patrol Boat crews have jurisdiction in all the agreement-members' EEZs. Helgen said that FSM Maritime Enforcement works closely with Papua New Guinea (PNG), Palau, and the Marshall Islands to let one another know when illegal or unlicensed boats are passing into neighboring EEZs. While Helgen said that patrol missions are helped by the NTSA, more similar agreements between island nations would further improve surveillance and enforcement. He cited a case of the PNG government alerting the FSM to an unlicensed fishing vessel leaving PNG waters, heading into FSM's EEZ. Unfortunately, FSM Maritime Enforcement was unable to act against the vessel due to the nations' separate jurisdictions.

¶14. (SBU) Bai Xia, First Secretary for Business of the Embassy of P.R. China in FSM, also noted the inconsistency of fishing regulations within WCPFC. He said that there seems to be no standard with regard to the consequences of illegal activity.

¶15. (SBU) According to Helgen and Thoulag, less developed member states of the WCPFC could benefit from stronger support from more developed members. Bilateral operations, including Operation Big Eye and Operation Rai Balang, have proved that the use of developed nations' surveillance and enforcement resources yield successful results. USCG, Australian advisors, US Navy in Japan, agencies in Guam and Hawaii, and FSM Maritime Wing collaborated for Operation Rai Balang in May 2009, during which patrol boats swept the FSM and Palau EEZs. The operation resulted in sixteen boardings with five citations issued and the apprehension of one vessel. Commenting on fisheries surveillance and enforcement, Bai urged developed countries such as Japan, China, Australia, and the U.S. to take the issue seriously. He believes that developed countries have an obligation help the Convention area, be it through technological, personnel, or monetary assistance.

DATA MANAGEMENT AND ACCESS

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¶16. (SBU) Helgen believes prohibitions on data access have hindered maritime enforcement. He criticized observer use, noting that during dock-side boardings FSM maritime enforcement officers lack access to observer log books. Observers must first submit data to NORMA, which then redistributes the data to maritime enforcement. Helgen explained that by the time he receives the observer data, the fishing vessel will have already left the port and he will be unable to cross-check observer data with the vessel's fisheries log.

¶17. (SBU) Similar limitations on VMS data have also effected patrolling. Helgen explained that by the time FSM officials see that an unlicensed vessel is in the FSM EEZ, it is often too late to send out a patrol boat. He said that fishermen know that it can take an FSM patrol boat 2 to 3 days to reach the EEZ borders. Illegal vessels will fish in FSM waters and then slip back into international waters before patrol boats can arrive.

¶18. (SBU) Making data more readily available could solve these problems. The ability to view VMS data of vessel activity in the high seas pockets could improve FSM maritime enforcement capabilities. Helgen said the ability to see an unlicensed vessel heading in the direction of the FSM EEZ would allow patrol boats to better prepare for the eventual EEZ-entry. [Note: The AHTG says that member states may request and receive near-real time VMS data for high seas areas, adjacent to and not more than 100 nautical miles from their EEZs. However, Helgen said he was not able to access this data. End Note.] Helgen said allowing Maritime Enforcement Officers direct access to observer data could also improve enforcement. Representatives from Papua New Guinea reported at the Regional Observer Programme Third Intercessional Working Group Meeting in March 2009 that they are in the process of developing and incorporating the use of electronic forms into their data

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reporting and information management system. Such electronic reporting could expedite the data dispersal and improve data management by local maritime enforcement officers.

¶19. (SBU) According to Cao Zhu, Base Manager at Luen Thai Fishing Ventures located in Pohnpei, Luen Thai provides data on its catch to scientific and international organizations. Luen Thai fishing vessels also give each fish in its catch a barcode which corresponds to its weight and grade. The company then maintains and distributes the data for approved scientific research and management. Cao explained that larger companies are not concerned with the confidentiality of most surveillance data and that only smaller, independent fishermen wish to maintain the secrecy of their data. However, he did concede that Luen Thai does want assurances that the data it shares is used only for legitimate scientific research and international monitoring.

FUTURE SURVEILLANCE CONCERNS

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¶20. (SBU) As of now, high seas pockets are still open and largely unregulated. WCPFC vessel monitoring currently only functions to alert nations to their flag vessels' activity in international waters. However, two high seas pockets will be closed in January 2010, according to the Third Arrangement implementing the Nauru Agreement. The closure of two additional pockets will be discussed during the 6th Regular Session of the WCPFC in December of 2009. After high seas closure, the WCPFC will have a number of new unresolved issues. These will include patrolling and enforcement measures for high seas, data access and management of VMS in high seas areas, and regulations for transiting through high seas. The high seas closure directly affects the FSM, as two high seas pockets boarder the FSM's EEZ, and the country is one of the only WCPFC member states that is authorized for high seas boarding for surveillance and

enforcement purposes. Helgen said if the WCPFC budget allows funding for increased fuel and patrol boats by individual states, FSM Maritime Enforcement could assist with high seas patrol and enforcement.

COMMENT

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¶21. (SBU) As both a coastal state and a distant waters fishing state, the United States has a significant interest in the fisheries of the Western and Central Pacific Ocean. While the WCPFC has enacted surveillance and enforcement measures to prevent illegal fishing, FSM continues to be unable to provide the funds needed for effective patrolling of its large EEZ. There seems to be some effort among WCPFC member countries to strengthen all aspects of maritime enforcement, including national patrol programs. However, TCC5 will likely neglect patrolling issues and focus more on VMS and ROP because of the dissension among member states about WCPFC's rising costs. The FSM's maritime enforcement will likely remain underfunded, and its ability to control illegal fishing will remain reliant on the sporadic maritime surveillance operations of more developed countries. End Comment.
DOUGLASSWD